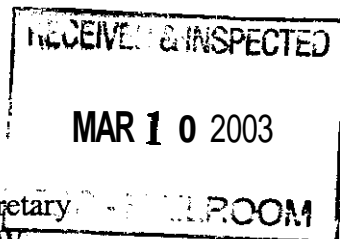


YESHIVA KTANA OF PASSAIC

ישיבה קטנה ד'פאסיק



March 5, 2003



FCC

Office of the Secretary

445-12th Street SW

Washington DC 20554

Re: CC Docket Nos. 96-35 & 97-21

Billed Entity Number: 197812

471 Application Number: 259799

Dear Sirs,

Please find attached a copy of the **USAC** denial of funding for Year 7/01-6102 due to **our** 470 not being certified (it was filed online but the sheet with signature was not received). While we have a record of sending it, we do not have any proof of delivery. Since program rules require this certification in order to establish the bidding process, our funding was denied.

I would like to appeal this decision on the funding for **our** recurring invoices (such as local, long distance, and cell phone bills (Funding request numbers 656284, 656351, 656411, 656531, 656896). Since there is no bidding process on these items, I feel that the loss of a signature sheet should not be grounds to withhold funding. While I **know** rules are rules, I still do not understand why a second chance should not be given. For example if someone forgets to sign a tax form or contract, it is sent back for correction and eventually the refund or deal is processed. If we filed the form 470 but left off the signature (since it was not received that it the assumption) and subsequently submitted it, we should still receive the funding since it did not affect the bidding in any way.

Thank you for your consideration.

Leiby Weinreb,

 Controller

No. of Copies rec'd _____
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GIRLS DIVISION

181 Pennington Ave., Passaic, NJ 07055

Tel: 973-365-0100 / Fax: 973-365-1445

BOYS DIVISION

249 Terhune Ave., Passaic, NJ 07055

Tel: 973-916-1555 / Fax: 973-778-5697

Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2001-2002

January 21, 2003

Leiby Weinreb
Yeshiva Ktana of Passaic
181 Pennington Ave.
Passaic, NJ 07055

Re: Billed Entity Number: 197812
 471 Application Number: 259799
 Funding Request Number(s): 656284,656351,656411,656531,656720,
 656896,656956,657000
 Your Correspondence Dated: **August** 20,2001

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (“SLD”) of the Universal Service Administrative Company (“USAC”) has made its decision in regard to your appeal of SLD’s Year Four Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD’s decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (“FCC”). If your letter of appeal included more than one Application Number, please note that for each application for which **an** appeal is submitted, a separate letter is sent.

Funding Request Number: 656284,656351,656411,656531,656720,656896,
656956.657000

Decision on Appeal: **Denied-in** full

Explanation:

- In your letter of appeal you have stated that your Form 470 certification was mailed on 1/18/2001 and do not know why it was not received. As the 470 and 471 were filed in a timely manner you hope that your funding requests will not be denied because your Form 470 certification was lost in the mail. You have enclosed a second Form 470, along with the original certification in order to reverse the decision.

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UPON review of the appeal it was determined that your Form 470 has not been certified by the SLD. The SLD's records indicate that you were contacted during initial review and asked if this is the establishing Form 470 for these services. You acknowledged that this is the **Form 470** used to establish competitive bidding for the services requested during that contact. You were contacted during appeal on 1/22/2002 by e-mail. At that time you were asked to confirm if this is the establishing Form 470 for these services, and if **so**, to provide proof of mailing for the certification page. The SLD has **no** record of a response. You were subsequently contacted by telephone on 11/11/02 and asked if proof of mailing was available. After reviewing the file for **this** Form 470, you stated that proof of mailing was not included in the file, **so** it must have been sent by regular mail. Review of the SLD's database indicates that this is the only Form 470 you have filed in Funding Year 2001. Program rules require Forms 470 and 471, as well as their certification pages, be received by the SLD postmarked **on** or before 1/18/2001 to be considered **as** received within the Funding Year window. The **SLD** has no record of receipt of your Form 470 certification. Upon contact by the SLD during review of this appeal, you were unable to provide proof of mailing to verify that the Form 470 certification was timely filed. Consequently, the appeal is denied.

- **Our** records indicate that your Form 470 Certification was not postmarked prior to the close of the filing window on **January 18th**, 2001. During the course of appeal review you were contacted to provide proof of mailing, and you indicated that you could not prove that the Form 470 Certification was mailed prior to January 18th, 2001. Therefore, the **SLD** must rely **on** its records.
- **Program** rules for Funding Year Four require that Form 470 Certifications be postmarked **no** later than January 18th, 2001 in order for the Form 470 to be valid and establish the bidding for these services. Since our records indicate that your Form 470 Certification did not meet **this** requirement, it cannot be used to establish the bidding for this service. During initial review you indicated that **this** was the establishing Form 470. Consequently, your appeal is denied for referencing a Form 470 that was not certified before the close of the filing window.

If you believe there is a basis for further examination of your application, you may file **an** appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, **445-12th** Street SW, Washington, DC 20554. If you **are** submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket **Nos.** 96-45 and 97-21 on the first page of your appeal. The **FCC** must **RECEIVE** your appeal **WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER** for your appeal **to** be filed in a timely

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in this fashion. Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

**Schools and Libraries Division
Universal Service Administrative Company**